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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,914	11/16/2000	Euphrason Rebello	367.39277X00	5948

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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-3873

EXAMINER

TRAN, PABLO N

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/712,914

Applicant(s)

REBELLO, EUPHRASON

Examiner

Pablo N Tran

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Austin (6,259,908).

As per claims 1, 10, 23, and 25, Austin discloses a communication device having means for storing identification data, means for receiving a signal addressing the device using identification data, and means, responsive to a received signal, for changing the configuration of the communication device from a first configuration to a second configuration, and wherein, in the first configuration, a first code is required to program the identification data and in the second configuration a second code, different from the first code, is required to program the identification data (fig. 5, col. 10/ln. 19-col. 13/ln. 5).

As per claims 2, 11, 24, and 26, Austin discloses the identification data identifying a particular provider (fig. 5, col. 10/ln. 19-col. 13/ln. 5).

As per claims 3, 12, 20, and 29, Austin discloses the communication device is a radio telephone and the incoming signal addressing the device is the first call received by the device having a new identity (fig. 5, col. 10/ln. 19-col. 13/ln. 5).

As per claims 4, 13, and 21, Austin discloses second code is stored in the phone to which the first code is changed (fig. 5, col. 10/ln. 19-col. 13/ln. 5).

As per claims 5 and 14, Austin discloses the second code is specific to the phone (fig. 5, col. 10/ln. 19-col. 13/ln. 5).

As per claims 6 and 15, Austin discloses the second code is randomly generated (fig. 5, col. 10/ln. 19-col. 13/ln. 5).

As per claims 7 and 16, Austin discloses the first code is specific to the communication device (fig. 5, col. 10/ln. 19-col. 13/ln. 5).

As per claims 8 and 17, Austin discloses the first code is randomly generated (fig. 5, col. 10/ln. 19-col. 13/ln. 5).

As per claims 9 and 18, Austin discloses the identification data includes MIN data (fig. 5, col. 10/ln. 19-col. 13/ln. 5).

As per claims 9, 25, and 28, as stated above in claim 1, Austin discloses entering a first code to enter a mode for programming the identification data, entering identification data for storage in the memory, and changing the first code in response to receiving a message addressing the communications device with reference to the stored identification data stored in the memory (fig. 5, col. 10/ln. 19-col. 13/ln. 5).

As per claim 22, Austin discloses the second code is stored in the device prior to programming the identification data (fig. 5, col. 10/ln. 19-col. 13/ln. 5).

As per claim 30, Austin discloses in the first configuration the radiotelephone is activated and is arranged to receive telephone calls (fig. 5, col. 10/ln. 19-col. 13/ln. 5).

As per claim 31, Austin discloses in the first configuration, the radiotelephone is deactivated and is prevented from receiving telephone calls (fig. 5, col. 10/ln. 19-col. 13/ln. 5).

As per claim 32, Austin discloses in the second configuration the radiotelephone is activated and is arranged to receive telephone calls (fig. 5, col. 10/ln. 19-col. 13/ln. 5).

3. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Fielden (6,314,283).

As per claims 1, 10,23, and 25, Fielden discloses a communication device having means for storing identification data, means for receiving a signal addressing the device using identification data, and means, responsive to a received signal, for changing the configuration of the communication device from a first configuration to a second configuration, and wherein, in the first configuration, a first code is required to program the identification data and in the second configuration a second code, different from the first code, is required to program the identification data (fig. 1-2, col. 5/ln. 43-col. 7/ln. 7).

As per claims 2, 11, 24, and 26, Fielden discloses the identification data identifying a particular provider (fig. 1-2, col. 5/ln. 43-col. 7/ln. 7).

As per claims 3, 12, 20, and 29, Fielden discloses the communication device is a radio telephone and the incoming signal addressing the device is the first call received by the device having a new identity (fig. 1-2, col. 5/ln. 43-col. 7/ln. 7).

As per claims 4, 13, and 21, Fielden discloses second code is stored in the phone to which the first code is changed (fig. 1-2, col. 5/ln. 43-col. 7/ln. 7).

As per claims 5 and 14, Fielden discloses the second code is specific to the phone (fig. 1-2, col. 5/ln. 43-col. 7/ln. 7).

As per claims 6 and 15, Fielden discloses the second code is randomly generated (fig. 1-2, col. 5/ln. 43-col. 7/ln. 7).

As per claims 7 and 16, Fielden discloses the first code is specific to the communication device (fig. 1-2, col. 5/ln. 43-col. 7/ln. 7).

As per claims 8 and 17, Fielden discloses the first code is randomly generated (fig. 1-2, col. 5/ln. 43-col. 7/ln. 7).

As per claims 9 and 18, A Fielden discloses the identification data includes MIN data (fig. 1-2, col. 5/ln. 43-col. 7/ln. 7).

As per claims 9, 25, and 28, as stated above in claim 1, Fielden discloses entering a first code to enter a mode for programming the identification data, entering identification data for storage in the memory, and changing the first code in response to receiving a message addressing the communications device with reference to the stored identification data stored in the memory ((fig. 1-2, col. 5/ln. 43-col. 7/ln. 7).

As per claim 22, Fielden discloses the second code is stored in the device prior to programming the identification data (fig. 1-2, col. 5/ln. 43-col. 7/ln. 7).

As per claim 30, A Fielden discloses in the first configuration the radiotelephone is activated and is arranged to receive telephone calls (fig. 1-2, col. 5/ln. 43-col. 7/ln. 7).

As per claim 31, Fielden discloses in the first configuration, the radiotelephone is deactivated and is prevented from receiving telephone calls (fig. 1-2, col. 5/ln. 43-col. 7/ln. 7).

As per claim 32, Fielden discloses in the second configuration the radiotelephone is activated and is arranged to receive telephone calls (fig. 1-2, col. 5/ln. 43-col. 7/ln. 7).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 10, 19, 23, and 25 (filed 05/05/04) have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**


**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

**PABLO N. TRAN  
PRIMARY EXAMINER**

May 22, 2005

  
A026 SF